

[Shri Balwant Singh Ramoowalia]

was not so. I am just replying to the point raised about old-age-homes. I am not saying that they will beg. But we have made a liberal policy for starting old-age-homes at several places for those people who do not have resources. The policy is that there is no need to construct a building for that. Buildings can be taken on rent and we will pay its rent. We are ready to pay rent instead of constructing a building with the cost of rupees 15 lakhs. Old people live there and there will be no chance of begging.

SHRI SANTOSH KUMAR GANGWAR (BAREILLY): Please circulate the scheme. Old-age-homes can be established with the fund provided for MPs local Area Development Scheme. It will be good to circulate the scheme among all the MPs.

SHRI BALWANT SINGH RAMOOWALIA: He has just now directed. I will get it circulated.

MR. DEPUTY SPEAKER: Discussion on this Bill should have been over by 5.25 hrs. If with the permission of the House the time for discussion of this Bill is extended by ten minutes then it could be concluded.

(Interruptions)

SHRI BALWANT SINGH RAMOOWALIA: I mean to say that we are making it comprehensive. Legislation is already there and there is no lacuna in it too. Further legislation is no solution. On the other side, the Government of India is determined to ensure economic amelioration social awareness, social development and provision of skills for the upliftment of needy persons. We will take initiative in this regard. Therefore, if my friend had been present here I would have requested him it withdraws this Bill. Now, my submission to this House is that there is no need to introduce this Bill, because provisions for that already exist. With these words, I conclude.

[English]

MR. DEPUTY SPEAKER: Dr. T. Subbarami Reddy is not present in the House. Therefore, I will put the motion to the vote of the House.

The question is:

"That the Bill to provide for abolition of begging and for matters connected therewith of incidental thereto, be taken into consideration.

The motion was negatived.

17.37 hrs.

PRIVATE INVESTIGATORS BILL

[Translation]

SHRI AMAL PAL SINGH (MEERUT): Mr. Deputy Speaker, Sir, I beg to move*:

"that the Bill to provide for the licensing of private investigators and vest them with certain powers, be taken into consideration."

*Moved with the recommendation of the President.

Sir, corruption and incidents of kidnapping are on the rise in the country. I would like to cite an example. In 1953, the number of incidents of murder was 9802 and by the year 1992 it went up to 40,105 per year. Kidnapping has emerged as an industry in the country and is hindering the process of industrialisation. Corruption has reached alarming proportions in the country and is obstructing the development of the country. I would like to propose to have a provision of licensing of private detectives to weed out criminals from the society. It should be kept in mind while licensing the private detectives that no criminal finds a place in it. First of all, it is essential to conduct a high level inquiry of its members.

Sir, now the question arises as to why there is need to have private detectives in the country. Firstly, I would like to emphasise that due to rampant corruption prevailing in police and up to the level of district courts, guilty go scot free while the innocents are being punished. Secondly, due to protection being given at political and administrative level it is difficult to award punishment. This is the reason to introduce the private detective system. Now the issue is as to what should be the system of having private detectives. Sir, through you, I would like to apprise this august House that it has become essential to break the nexus of criminals, politicians and bureaucrats.

The population of the country has gone up by leaps and bounds and due to scarcity of resources, the strength of the police force has not gone up proportionately. I would like to cite an example. If any patient is admitted in a Government hospital and he does not recover and improve, then without losing time the relatives shift the patient to private hospital to better the chances of survival by proper medical aid. It is because of monopoly that corruption is widespread in police. If any individual loses confidence in the police because of not getting justice what he would resort to? If private detectives are there, a person can approach it. There is a provision to go to the court in private capacity under section 200 to 204 of the Cr.P.C. A person can directly file a case before the judge, but investigation is a technical exercise. This is the reason that the citizens are not able to avail this facility. Therefore, the private detectives are the need of the hour. It should be ensured that only the plaintiff, government organisations and semi-government organisations make use of the private detectives and not the accused. If criminals make use of them then the offences will go up. A provision should be incorporated in this that the courts will also take cognizance of the chargesheet filed by the private detectives like as it takes cognizance of chargesheet filed by the police. Further, I want that the right of registration of the case and arrest should rest only with the police. If any private detective is involved and files chargesheet in the court then the court should take cognizance of the chargesheet and issue warrant against the accused, but warrants should only be executed by the police.

Secondly, I would like to observe that Shri Raibario has 40 years of experience behind him as Police Chiefs of Punjab and Maharashtra. Recently he emphasised upon

the need for having private detectives in India. With the introduction of private detectives in Scotland Yard the functioning of police has improved to the extent that now the police never play with the authority of law even if the violator is a highly placed person. Now police tries to secure justice to all alike. In the present Bill, I have proposed to make provision for licensing of private detective agencies. It is proposed to prescribe minimum professional qualification for joining this profession. Further, it is proposed that a code of conduct for private detective agency should also be laid down and any agency found guilty of violating the code of conduct be subjected to cancellation of its license. I would like to remind that CBI is investigating the Bofors deal since 1989. CBI is also investigating the Mumbai bomb blasts' case. Six thousand cases are pending with the CBI and in the Bofors case CBI has not been able to find the truth. Till date, the main accused in the Mumbai blast case had not been apprehended. If such is the position of the CBI then the state of affairs of the investigations in the States could very well be imagined. Sir, you and other hon. Members are aware of all this. I am of the view that with the introduction of Scotland Yard type private detective system in the country situation will definitely improve and criminals will be punished while the oppression of the innocents will stop.

Now I would like to dwell upon the issue of corruption. Our country has become member of WTO. Major multinational companies have engaged private detectives, who safeguard their economic interests. These multinational companies utilise the services of private detectives to prevent violation of their patent right. Private detectives also help in checking misuse of the money of the company by the management and in bringing down the cost of production. Therefore, the system of private detectives has become essential in the country. On the pattern of taking the services of the private detectives engaged by the multinational companies to prevent misuse of money by the management, both the Central Government and the State Governments can seek their cooperation for checking misuse of their funds by their respective Administrations. Out of the funds allocated by the Government of India for district plan or JRY to the States, just 30 per cent is actually utilised. Rest 70 per cent money is misused by filling in fake muster rolls or MB. The Government of India can prevent the misuse of its funds by engaging the private detectives. For instance, take the case of Uttar Pradesh. In U.P. there are 75 districts. Through lottery system, Groups of five districts each can then be assigned to a private detective for keeping an eye on the extent of misuse of funds, actual amount of work done, the extent of muster roll filled up and management books. Faith should not be reposed in one private detective only. Out of the group of five districts, further two districts could be selected through lottery system and handed over to another private detective. Through this system report of one detective regarding five districts could be had and report of the other detective regarding the two districts separately can also be obtained. This way two reports can be obtained regarding the two districts. Through this system a procedure of checks will be introduced because all the 75 collectors will be under

constant fear that their districts at any time could be got selected because for the lottery method. By following this method corruption on large scale will be checked.

As far as the issue of their modus operandi is concerned, to my mind quality standards must be maintained at all costs. The credibility and prominence of a Doctor is reckoned by the satisfaction the patients get. Similarly, the credibility of a private detective agency depends on the competence of the detective of secure justice to the people. If there are number of various detectives, it will generate the spirit of competition among them and it will help them to maintain their reputation and their competence will also go up. Therefore, improvement in their function will become mandatory for them.

I would like to reiterate that many functions falling under the domain of the police have already been privatised like providing of private security guards. When there is no objection on providing private security guards, then what is the objection in vesting them with powers to carry out detective work. On the one hand whereas the proposed system will confer the actual right of utilisation of security related rights upon the citizens on the other hand adequate provision has been proposed in the Bill for preventing misuse of these rights. With the introduction of this system guilty will definitely be penalised and the oppression of the innocent will stop. Cases of corruption in police and upto district level courts will plummet and the persons giving protection to the criminals will get exposed. I am of the view that such a system will definitely be costly. Undoubtedly the ushering in of the proposed system will deliver justice to just 10 per cent of the people for economic reasons, but it will definitely prove to a boon for the rest of 90 per cent population indirectly because the police will always fear that the democles sword of any private detective may strike at any time in any of the case. With the introduction of the said system in Scotland Yard the performance of the police there has improved to the extent that now their example is cited all over the world. The police never compromises with the law there. It is the bounden duty of the police to prosecute all the violators of law irrespective of their status and help out all the victims too irrespective of their status. Mr. Deputy Speaker, Sir, the Chief Minister of Delhi has announced that cases of all the corrupt officers will be got investigated by the private detectives. This has caused widespread furore in the Delhi Administration. During the 10th Lok Sabha the report of the Vohra Committee appointed by the Central Government, was presented in which the nexus of politicians and officers with the mafia gangs was exposed at length. With the introduction of this system, corruption will definitely come down. Our huge amount of money is deposited in the foreign Banks abroad. Collaboration with the private detectives can bring back the country's wealth from abroad and the persons behind sending out the money of the country can also be exposed.

I would like to assure the House that with the introduction of this system both corruption and crime will come down because at present only the change in the system can have a check on corruption and crime. It is

[Shri Amal Pal Singh]

not possible to tackle it only through building national character. Therefore, I would like to request the House that this Bill need to be passed and pressure need to be mounted on the Government in favour of bringing about such a system because private detective agencies will prove to be of great help in rooting out corruption and crime. I would like to reiterate that to stop the criminals from hijacking such a system, prior high level investigation of the members should be made mandatory before giving them permission to carry out at their work.

[English]

MR. DEPUTY SPEAKER: Motion moved:

"that the Bill to provide for the licensing of private investigators and vest them with certain powers, be taken into consideration."

PROF. RASA SINGH RAWAT: He is a master of all subjects.

[Translation]

PROF. RASA SINGH RAWAT (AJMER): Hon. Deputy Speaker, Sir, I rise to support the Private Investigators Bill, 1996 introduced by our hon. Member Shri Amarpal Singh Ji. In the modern era, criminalisation of politics and politicisation of crimes have been going on rapidly and the rampant corruption is prevailing in every fields of the entire country. In these circumstances the investigation department of police is heavily loaded. If they want to investigate, examine, explore the cases then they are involved in all these works or any other serious matters. As a result of this, they are unable to give expected performance. The criminals are not detected, proper investigation is not carried out, the right culprits are not brought to book and consequently, the 'Amarbel' of corruption in the society is growing leaps and bounds and therefore, they have established a new idea that it is an age of privatisation, an age of liberalisation, an age of universalisation and delicensing and depermitting process is going on in every field, then why should we not open the doors of privatisation in the fields of investigation and in the field of detecting culprits and in their investigation so that Government agency may discharge their duties in official manner. You have just given an example as any patient admitted in the Government hospital and he does not get rid of the disease despite being provided better medicines and doing much efforts by the doctors. Consequently, aggrieved family members of the patient take him to some private doctor or private nursing home and more money is required there but the person has the feeling of expending more money and as a result of which several times the patient also gets well. He gets better service. He is looked after properly. In the same way Government prosecutors and investigators do something at both the sides. They ask the thief to steal and ask the guard to be cautious. There is a saying that to ask to the thief to steal and ask the guard to be cautious and after that they would be saying to every side this is being done against you and that is being done against you. In this way, the matter becomes very complicated like the foot of an elephant who gets struck

in a wet land and the more it tries to get out of it the more the elephant keeps on sinking. Mr. Chairman, Sir, likewise the innocent person is going to be involved in the allegations and the more he tries to get rid of it, the more he continues to fall in the trap. In such a situation, the private investigators services can be made available, but the concerned persons should be resourceful and capable. Then the private investigators services can be availed. As you have said just now that would be a licenced person or licenced institute and they are genuine persons their capability would be ensured. Also for having control over them, there would be an officer of the level of Director General of the Government. There would be a number of DIGs zonewise under him and certain places would be earmarked for them separately and their capability would be ensured. It will also be considered to which category the crime falls and to which investigator it will be handed over. But nowadays what is happening is that whichever unit the Government takes over, it starts incurring losses, like our public sector undertakings. All of them are incurring losses. For example NTC or State Electricity Boards, all these undertakings are incurring losses. Take the example of State Roadways. Whereever these have been nationalised, they are incurring losses and on the other hand, the firms of Birla, Tata or Somani continue to earn profits from the same undertakings. It means that private individuals can control well, discipline well, do good jobs and achieve better results in the same way. Any agency that is constituted parallel to Government agencies like CBI or CID and such private individuals are given the licences and the powers and they begin to investigate, then there would be a sense to competition. Now the police conduct investigations and when we are not satisfied by the police, we approach the CBI and when it also is unable to do anything then the matter ends there and we are left helpless. In such a situation if this parallel arrangement of private sector become effective and the genuine and reliable persons are involved in it, then I think the workload of police will also be minimised. By this arrangement, on the one hand it would be easy to detect the culprits and on the other hand an easy and accessible advisory body or investigating body would also be constituted for detecting and solving the crimes by which the corruption in the society as well as the number of culprits indulging in the corruption would also be reduced.

SHRI GIRDHARI LAL BHARGAVA (JAIPUR): Mr. Deputy Speaker, Sir, it is 6.00.0'clock. Mr. Rawat may continue the next time now please adjourn the House...(Interruptions)

MR. DEPUTY SPEAKER: All right, you continue next time.

[English]

The House now stands adjourned to meet tomorrow at 11.00 A.M.

18.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, August 11, 1997/Shravana 20, 1919 (Saka)